

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

WILLIAM JERRY  
Plaintiff

V.

POLK COUNTY, POLK COUNTY  
SHERIFF'S OFFICE  
Defendant

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Civil Action: 9:23-cv-32

*Jury Trial Requested*

**ORIGINAL COMPLAINT**

1. This action for civil rights violations arises under Title 42 of the United States Code Section 1983. Jurisdiction is conferred by Title 42 U.S.C. Section 1983 and Title 28 U.S.C. Sections 1331 and 1343.
2. This action for Discrimination arises under Title 42 of the United States Code, section 1981. Jurisdiction is conferred by Title 28 U.S.C. Section 1331.
3. Venue is proper in this district under 28 section 1391 because a substantial part of the events or omissions giving rise to all claims occurred in this district.

**Parties**

4. The plaintiff is William Jerry who is and was a resident of Texas at the time of the occurrence giving rise to this action.
5. Defendant, Polk County, is a political subdivision of the State of Texas.
6. Defendant, Polk County Sheriff's Office, is a department of Polk County.

**Facts**

7. William Jerry, Plaintiff, was the jail lieutenant, a position that placed him above nearly everyone at the jail, at the Polk County jail. He was employed by Polk County. Plaintiff had been

employed by Polk County for several years without incident. William Jerry is an African American Man.

**8.** On or around February 24<sup>th</sup>, 2021, Plaintiff was terminated. Polk County alleges Plaintiff had committed violations that Plaintiff did not commit. This was the reason Polk County gave for terminating Defendant.

**9.** Approximately two days before Plaintiff was terminated, a series of jail cell inspections were occurring at the Polk County jail. William Jerry, as one of the top officials at the jail, oversaw these inspections.

**10.** During these inspections, another inmate would clean and repair the items in the jail cells. While this was occurring, the inmate who occupied that cell would be moved to another cell as that inmate's cell was being cleaned.

**11.** There was a window allowing people outside a cell to view what was inside that cell. William Jerry would peer through these cell windows to review the work that was done to each cell.

**12.** After one cell was cleaned, the inmate who occupied that cell was brought back to his cell. As Plaintiff made his way to inspect the cell after it was cleaned, the inmate who occupied that cell made an obscene gesture to William Jerry in front of the other jail inmates.

**13.** When inmates insult jail officers in front of other inmates, what usually follows is a reprimand from the officers through removal of that inmate to another cell, away from other inmates. This practice is essential to keeping the jail officers from being overrun by out of control inmates, dismissive of authority. Such a practice is an integral part of maintaining an orderly jail.

**14.** Plaintiff then instructed the offending inmate to pack his belongings and be moved to another cell. The inmate refused. Plaintiff repeated his request. The inmate refused.

**15.** As a result of these refusals, William Jerry used appropriate physical force to subdue the inmate and extract him from his cell so that the inmate could be moved to another cell.

**16.** The practice of physically subduing inmates to move them out of their cell to another cell, when those inmates remained defiant in the face of a request to voluntarily move was a customary practice of the jail.

**17.** At the end of that day, two white officers, who were present at the time of the inmate's removal, traveled to another location and informed another official of their versions of the incident. However, those officers, who worked underneath William Jerry, as he was their superior, told an untrue story as to what happened. In the past, William Jerry had justly disciplined both officers for multiple violations. Both officers had been punished by the disciplinary measures taken against them.

**18.** Those officers lied about what happened by saying that William Jerry used excessive force when removing the prisoner. However, other witnesses say that William Jerry had not used excessive force, but used minimal force to remove the inmate. Other white officers had used force to remove inmates from their cells for the same reasons and yet, none of them were ever disciplined or found to have done anything wrong.

**19.** Polk County launched an investigation shortly after the incident. However, William Jerry was never asked to give his perspective of the incident. Polk County never asked William Jerry to provide any kind of statement as part of the investigation.

**20.** On or around February 24<sup>th</sup>, 2021, Polk County terminated William Jerry after never seeking any statement as to what happened from William Jerry.

**21.** As a result, William Jerry has lost substantial compensation and has suffered mental distress.

**Causes of Action**

Count I. Section 1983 violation

Count II. Violation of Title 42 of the United States Code, Section 1981

**22.** As a result of these violations, Defendant's conduct proximately caused

- a. lost wages
- d. mental anguish

**Jury Demand**

**23.** Plaintiff demands a trial by jury on all issues triable as of right by a jury.

**PRAYER**

**24.** Plaintiff respectfully prays that the Court award judgment in favor of Plaintiff for violation of Plaintiff's rights and that the Court award the following:

- a. actual and consequential damages, plus interest
- b. attorney's fees and costs of court
- c. all other relief that justice may require

Respectfully submitted,

The Bozeman Law Firm

/s/Marc Anson Bozeman

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